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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: PLANNING COMMISSION

FROM: MIKE WULKAN, SENIOR PLANNER

DATE: SEPTEMBER 22, 2005

SUBJECT: CONTINUED HEARING ON AN APPEAL BY MARK AND SALLY DIMAGGIO OF A PLANNING DIRECTOR DETERMINATION REGARDING KEEPING OF HORSES AND CONSTRUCTION OF ASSOCIATED STRUCTURES WITHIN A SENSITIVE RESOURCE AREA--TERRESTRIAL HABITAT FOR THE CAMBRIA PINE FOREST

This item was continued from the August 11, 2005 Planning Commission hearing in order to give an opportunity for our Department staff biologist and the applicant to meet at the site. The purpose of the site visit was to 1) determine whether the meadow area is biologically a part of the Environmentally Sensitive Habitat--Terrestrial Habitat (ESHA-TH) for the Monterey pine forest or not, and 2) formulate a project design that protects the ESHA and addresses the water quality and drainage concerns raised at the August 11 hearing.

On August 18, 2005, Julie Eliason, a biologist and Environmental Specialist from the Department's Environmental and Resource Management Division, met with the applicant and the applicant's biologist on the site and conducted a site inspection. Based on the site inspection, staff has concluded that the ESHA-TH could be interpreted to exclude the meadow without harming the pine forest, provided that certain measures are implemented to protect the forest and Santa Rosa Creek (see attached report dated September 7, 2005 from Julie Eliason, Environmental and Resource Management Division). The reasons for staff's conclusion are detailed in the attached report and are summarized as follows:

- The meadow is highly disturbed and not native to the pine forest ecosystem, and fire department-required mowing of the meadow maintains that situation
- The meadow is not completely surrounded by forest
- The forest does not appear to be extending into the meadow, which has a well-defined edge between it and the woodland
- Several measures are to be included in the project description to protect the forest and water quality

The measures recommended by staff to protect the forest and water quality are detailed in the attached report and include the following:

- Provide a 15-foot wide buffer from the base of the slopes on the northeast side of the site and from the drainage course in the southern portion of the meadow to the following proposed improvements: the fenced pasture, paddock and riding ring
- Fence the two oak tree saplings in the meadow
- Remove manure from the site weekly, or compost the manure on-site near Village Lane away from the drainage course on an impervious surface or in a covered container
- Locate the driveway at the northeastern end of Village Lane, where the height of the drainage berm is low enough for a vehicle to drive over, reinforce the berm with gravel, and maintain it in the future (those measures are intended to maintain the integrity of the drainage berm to protect downstream areas)
- Implement other measures proposed by the applicant to protect the forest and water quality, including fencing only a portion of the meadow to allow wildlife movement, precluding grazing from the slopes and adjacent to the drainage course, providing a vegetated buffer around the paddock, and using imported feed so that the meadow is not the primary source of forage

Based on the preceding reasons, ***staff recommends that the Planning Commission uphold the appeal***, based on the revised findings in Exhibit A. The effect of upholding the appeal would be to allow the proposed project (grazing of three horses, construction of two sheds, a paddock, a water tank, a driveway, a fenced riding roundpen, and a future agricultural well) to proceed upon approval of a Zoning Clearance in accordance with the requirements of Section 23.02.028 of the Coastal Zone Land Use Ordinance, except that the future agricultural well would require Plot Plan approval per Section 23.02.030.

At the time this report was being prepared, the applicant was advised to revise the site plan and project description to reflect and include both the applicants' and staff's recommendations to protect the forest and water quality. When staff receives the revised site plan and project description, they will be forwarded to your Commission under separate cover.

The August 11 staff report, plus additional correspondence received during and prior to that hearing, is attached for reference.

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EXHIBIT A - FINDINGS

- A. The requested keeping of three horses, construction of sheds and associated improvements, and drilling of a water well in a mapped Sensitive Resource Area--Environmentally Sensitive Habitat--Terrestrial Habitat designation (ESHA-TH) for the Cambria pine forest is allowable with a Zoning Clearance application for the horse keeping and associated improvements, and with a Plot Plan application for the proposed well, because the mapped boundary of the forest edge is interpreted to exclude the area of proposed development within the meadow (depicted in the attached report dated September 7, 2005 from Julie Eliason, Environmental and Resource Management Division), in accordance with Section 23.01.041c(3) of the Coastal Zone Land Use Ordinance, for the following reasons:
1. The meadow is highly disturbed and not native to the pine forest ecosystem, and fire department-required mowing of the meadow maintains that situation
 2. The meadow is not completely surrounded by forest
 3. The forest does not appear to be extending into the meadow, which has a well-defined edge between it and the woodland
 4. Several measures are to be included in the project description to protect the forest and water quality
- B. This request for an interpretation of the Coastal Zone Land Use Ordinance is not a "project" under the California Environmental Quality Act, and therefore does not require an environmental determination.



7-4

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

Environmental and Resource Management Division

September 7, 2005

Subject: DiMaggio Site Visit

On August 18, 2005, I conducted a site visit of the DiMaggio property on Village Lane in Cambria, California. Mark and Sally DiMaggio and a friend of the DiMaggios, who also was a biologist by training, were present. The DiMaggios propose to graze three horses on a relatively flat meadow approximately 0.75 acres in size, build two small sheds each less than 120 square feet in size for storage of tack and feed, build a partially-covered 1,150 square foot paddock, install a 5,000 gallon water tank, install a 30-foot diameter fenced riding round pen, fence in a 0.5-acre grazing area, build a short access driveway, and install a future agricultural well. The mapped Environmentally Sensitive Habitat Area (ESHA) - Terrestrial Habitat (TH) boundary includes all but the most northern corner of the parcel. The purpose of the site visit was to ascertain whether it was justifiable to administratively adjust the ESHA-TH line to exclude the meadow area and allow the DiMaggios to graze the meadow without first obtaining a Minor Use Permit from the County (pursuant to Coastal Zone Land Use Ordinance Section 23.01.041). A second issue requiring evaluation and resolution is the potential water quality impacts on Santa Rosa Creek from manure accumulation in the meadow.

The site is bordered on the north by Village Lane across from which is the Cambria Lumber Yard and the commercial area known as "Tin City." Beyond the lumber yard and Tin City to the north are Santa Rosa Creek and the East Village of Cambria. An earthen berm separates the meadow from Village Lane. The berm is approximately 2 feet high on the northeastern end and gradually increases in height to approximately 4 feet on the southwestern end. Apparently, the berm was installed by the County Public Works Department to prevent flooding of the commercial area in the mid to late 1990's (during an El Niño storm year). The site consists of a cleared meadow approximately 0.75 acres in size located in the northwest portion of the parcel that contains scattered horsetail plants and non-native annual grasses. Two small oak tree saplings are located in the center of the meadow. The meadow is bordered on the northeastern and southern sides by Monterey Pine Forest mixed with mature coast live oak trees and associated understory plants. The pine forest terminates rather abruptly at the base of a steep slope on the northeastern side of the meadow. Scattered pine tree seedlings grow along the slope with a variety of shrubs and berry vines. The meadow is bordered on the east by a steep bank that led to Burton Drive. The bank has a few scattered pine trees, but mostly consists of non-native plants such as pampas grass. The steep slope has obviously been disturbed in the past by the creation of Burton drive.

A small stream approximately 1 foot wide and 10 to 12 inches deep enters the rear of meadow and flows towards Village Lane along the base of the steep bank that parallels Burton Drive. Adjacent to Village Lane, there is an incised depression near a culvert that

H:\Projects\DiMaggio\Dimaggio site visit memo-18aug05.doc

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EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

channels water underneath Village Lane and empties into Santa Rosa Creek to the north of the site. At the point where the stream enters the meadow, there is an increase in the number of horsetail plants, indicating moist conditions, but no riparian vegetation was evident.

Due to presence of horsetails, which indicate moist conditions, it appears that water may overflow the stream channel into the meadow. I did not conduct a wetland delineation of the project site; however, the predominance of upland species (i.e. annual grasses) indicates the site probably does not qualify as a wetland.

The DiMaggios expressed an interest in diverting and straightening the stream channel to improve its ability to channel water from the meadow. I cautioned them that such a diversion could require a Streambed Alteration Agreement from the Department of Fish and Game and that they should be contacted before any work begins.

After the site visit, it is my opinion that the ESHA-TH boundary could be moved from its current mapped location to exclude the meadow without detrimental effects such as fragmentation of or infringement upon the Monterey pine forest. The reasons for my determination are as follows:

1. In years past, the entire East Village of Cambria was probably native Monterey pine forest. It is unknown if the meadow was originally naturally occurring as part of forest, or if it was man-made by clearing the trees to create a pasture for grazing purposes. Nevertheless, aerial photographs indicate that the meadow has been in its current or similar condition for at least 56 years. Local residents relayed to the DiMaggios that the site was used for grazing dairy cows as early as 1949. The plant species within the meadow are markedly different from the surrounding pine forest species, as described above in the site description. As a result of the long-term grazing practices, the meadow contains mostly non-native annual grasslands instead of native perennial grasses. The meadow appears now to be highly disturbed from previous land practices, such as grazing and mowing, and does not appear to be a pristine meadow native to the pine forest ecosystem. In the absence of grazing, the Cambria Fire Department has required that the meadow be mowed every year to reduce the fire danger. This mowing of vegetation has contributed to the current state of the site, which appears disturbed and maintained.
2. Although the meadow is contiguous to forest on the eastern and southern sides, it is not completely surrounded by forest. As stated above, the western boundary of the meadow consists of steep cut slopes with a mixture of non-native plants bordered by Burton Drive, while the area to the north consists of the lumber yard, Tin City, and the East Village development. If Burton Drive, Tin City, or the East Village development to the north were not present, and the meadow were completely surrounded by forest habitat, my conclusions would probably be different.
3. With the exception of the two small oak trees in the center of the meadow, there is no other indication that the pine forest is extending into the meadow. There is a sharp demarcation between the eastern wooded slopes and the meadow.
4. The DiMaggios have indicated that they plan to implement the following measures to ensure protection of the surrounding pine forest:

- a. The entire meadow will not be fenced. Instead, only a portion of the meadow will be fenced, allowing a wildlife corridor to traverse the meadow.
- b. A buffer will be maintained between the grazing area and the wooded slopes and stream channel.
- c. The two small oak trees will be fenced to protect them from the horses and deer browsing.
- d. The DiMaggios are willing to move the fence if the forest advances into the meadow into the future.

5. The DiMaggios have indicated they plan to implement the following measures to protect water quality of Santa Rosa Creek:

- a. Horses will not be allowed on the hillsides.
- b. Water will be collected off the paddock roof and diverted to a storage tank to keep it clean.
- c. The amount of grazing in the meadow will be controlled to preserve vegetative cover and prevent soil compaction.
- d. Manure will be removed on a regular basis to an impervious, partially covered compost area. The DiMaggios are currently researching onsite composting methods.
- e. A vegetated buffer will be maintained around the paddock.
- f. The horses will not be allowed near the stream channel.
- g. Feed will be imported so that the meadow is not needed as the primary source of food.

Due to the lower height of the berm on the northeastern end, a vehicle could easily drive over the berm to access the site. If the Department of Public Works is concerned about future integrity of the berm to prevent flooding of the lumber yard and Tin City, the berm could be reinforced with gravel. The condition of the berm should be regularly monitored to ensure that it remains intact for flood control purposes.

Recommendations:

It is my professional opinion that the ESHA-TH line can be administratively moved to outline the pine forest boundary to exclude the meadow (as shown in exhibit A), provided the following measures are implemented to minimize negative impacts to the pine forest and Santa Rosa Creek:

- 1. Establish a 15 foot buffer between the fenced horse pasture, paddock and riding ring from the point where the steep slopes intersect the meadow on the northeastern side, and establish a 15 foot buffer from the stream channel in the southern portion of the meadow. These buffers will prevent the horses from eating the trees and understory vegetation on the

slopes, and will also preserve water quality in the stream channel and prevent erosion of the stream channel. Due to the small size and shallow depth of the stream channel, a 15-foot setback appears to be adequate.

2. Fence the two oak tree saplings in the meadow center to protect them from the horses and from deer browsing.
3. Either remove the manure from the site on a weekly basis or compost the manure onsite. If the compost option is selected, the compost area should be on an impervious surface or in a covered container located on the northeastern side of the property (near Village Lane) away from the stream channel.
4. Any diversion of the stream channel or changes to the bed or bank of the channel may require a Streambed Alteration Agreement from the Department of Fish and Game. The Department should be contacted prior to any work on the stream channel to determine if a permit is needed.
5. Implement the other preceding measures suggested by the DiMaggios to protect the pine forest and protect water quality.
6. Reinforce the berm surface with gravel for vehicle access and regularly monitor its condition to ensure that it remains intact for flood control purposes. Continually reinforce the berm on an as-needed basis.

In conclusion, it is my opinion that the use proposed for the site is relatively minor in scope. With the implementation of the measures described above, negative impacts to the integrity of the surrounding pine forest and the water quality of Santa Rosa Creek should be minimized.



Julie Eliason
Environmental Resource Specialist

Exhibit A. Di Maggio Project Site
Recommended ESHA –TH Line Demarcation



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7-9

To FAX: 805-788-23273

From: FAX- 927-7669

August 9, 2005

Att: L. Franklin, Secretary
Department of Planning And Building
San Luis County Planning Commission
TO: Honorable Commissioners

Ref: APN: 013-151-041

Hearing, August 11, 2005 Item # 2 , appeal by MARK & SALLY DIMAGGIO for approval of a Minor Use Permit. Please consider the issues listed below to reject this appeal.

This area is an environmentally sensitive area for trees and habitat. Village Lane is zoned residential on one side and is a heavily used commercial service area on the other side known as "tin City". The street is narrow and heavily traveled with cars and trucks of all kind. Noise from these vehicles could spook the horses. The gates or fence could accidentally or otherwise become inadequate and allow the horses to run loose creating a hazard.

These horses would be an attractive nuisance for children and adults as well as creating parking and traffic hazards. This could also create a problem for vehicles entering and exiting the parking lot for stores located at 2345 Village Lane.

The lot in question receives free flow water from Burton Drive carried by a culvert installed by the County of San Luis Obispo which creates a small lake on this lot during the rainy season. This water then drains into a 4 foot culvert under Village Lane which would carry toxic waste and other pollutants directly into Santa Rosa Creek. There is a large berm on the property to keep run-off from 2345 Village Lane during the rainy season.

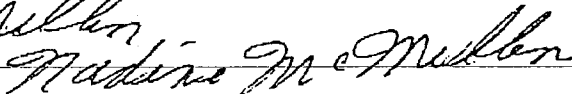
The animals would create flies and odor.

Your consideration to our concerns in reference to this matter will be greatly appreciated.

Sincerely,


Charles R. and Nadine McMillen

APN 013-151-040
2345 Village Lane
Cambria California



EC10625
7-10

PLANNING COMMISSION

EXHIBIT: 2 / Pennington

DATE: 8/11/05

DO NOT REMOVE FROM FILE



Horse Owners Guide to

Water Quality Protection

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What horse
owners can do
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COUNCIL OF BAY AREA

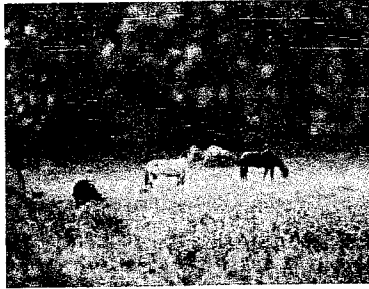
RESOURCE CONSERVATION DISTRICTS

in partnership with the USDA Natural Resources Conservation Service

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PETALUMA, CA 94954

(707) 794-1242 x121



Horse owners can reduce the need for further regulation by taking responsibility to manage horse waste, limit erosion, control stormwater runoff, and protect creeks and waterways.

Introduction

Conservation practices that protect water quality at horse facilities add to a horse property's value, promote horse health, build good relations between neighbors, and discourage further regulation.

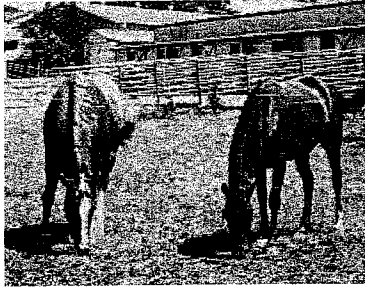
While horses contribute only a small fraction of the total pollutants entering local waterways, horse owners and facility managers bear the responsibility to minimize water pollution through:

- Facility design and siting
- Horse waste management
- Stormwater runoff management
- Pasture and paddock care
- Protection of waterbodies

Implementation of conservation practices does not need to be costly. Often a slight change in operations will achieve the desired result. How can horse waste and erosion affect water quality? How well are you as a horse owner protecting water quality? What more can you do?

With an expanding urban environment, horse owners must diligently protect water quality and present a good image to their neighbors.

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With an expanding urban environment, horse owners must diligently protect water quality and present a good image to their neighbors.

What can horse owners do to minimize adverse water quality impacts?

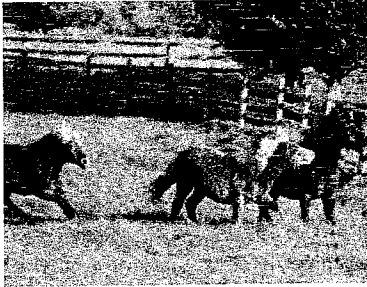
Be informed and proactive. Analyze possible water quality impacts of your operations before and during rains. Learn how to perform simple water quality monitoring tests. Implement conservation practices if necessary. Carefully consider potential water quality problems before expanding your facility. Schedule a workday at your stable to install roof gutters, improve drainage channels, set up a new manure storage system, or revegetate a creek. Volunteer to maintain public trails. Encourage your friends and horse clubs to do the same.

Remember, any complaint about horses reflects on all horse owners. Realize that not everyone loves horses. Consider yourself an ambassador for horses by good stewardship of land and water resources. Care of natural resources in your local area will initiate an expanding ripple.

How can horse waste impair water quality?

Although horse wastes (manure, urine and soiled bedding) are organic, biodegradable materials, many of their biological and chemical properties can be detrimental to fish, insects, and other aquatic life if those wastes get into local waterbodies.

All aquatic life depends on the small amount of **dissolved oxygen** that naturally exists in water. The atmosphere contains 20% oxygen, but water saturated with oxygen contains only 11 parts per million (ppm) at 50°F, and even less, 9 ppm, at 70°F. The addition of any decomposable organic material to water stimulates the growth of aerobic bacteria that break down, or consume the organic matter. The respiratory demand of the resultant bacterial population can become large enough to overwhelm the water's oxygen dynamics, leaving little or no dissolved oxygen for other aquatic life.



Horses in the wild may roam up to twenty-five miles a day for food, water and shelter. Their continual movement disperses manure and urine and allows for regrowth of vegetation. However, domestic horses can be kept in a small area. If not carefully managed, horse waste and sediment from horse facilities could enter waterways or infiltrate ground water to create conditions detrimental to drinking water supplies, recreational activities and the environment.

Many of the **nutrients** ingested by animals, not just horses, return to the environment in feces and urine. On land, moisture and atmospheric oxygen support the bacterial conversion of these wastes to nutrients available for plants. However, when carried by stormwater runoff to streams and lakes, excessive amounts of these same nutrients can stimulate unwanted **algae blooms**. Algae produce oxygen by photosynthesis, but only during sunny times of the day do they produce more oxygen than they consume. Thus, algal respiration, like the bacterial decomposition of organic material, uses up dissolved oxygen in water.

Ammonia is an intermediate byproduct of bacterial conversion of urea, a principal constituent of urine and other nitrogenous materials excreted by animals. A very small amount of ammonia dissolved in water can kill fish. State, Federal, and international criteria recognize that waters which support a balanced population of fish and aquatic life have an almost undetectable un-ionized ammonia concentration of 0.025 parts per million or less.

Salts contained in all animal waste do not breakdown, and can be carried by rain runoff into local surface and ground waters. The presence of salts in soils of animal confinement areas can increase the salt load to local streams, limiting the species of fish, amphibians, and invertebrate life.

Bacteria and viruses in horse manure rarely cause health problems for people. The potential for spread of disease to other horses, or susceptible wildlife species may be of concern.

How does erosion affect water quality?

Activities, such as heavy grazing or trampling, that remove the soil's vegetative cover and thus expose the soil surface to the energy of raindrops, water runoff, and wind, accelerate the natural process of erosion. Once mobilized into a stream, excessive sediment



A gully needs stabilization to control deepening and widening. Horses should be restricted from gullies as trampling can exacerbate erosion problems. Soil erosion is easier to control in its early stages when revegetation or simple drainage improvements may be all that are necessary.

can fill pools, smother fish spawning beds, cover or obscure food supplies, reduce the amount of sunlight reaching aquatic plants, increase water temperature, and clog fish gills. In addition, heavy metals and other toxic contaminants can temporarily bind to sediments and be carried along into water.

What is voluntary compliance?

Both State and Federal laws set standards for handling of animal waste to provide protection of surface and underground water resources. Currently, regulatory and enforcement agencies encourage owners and managers of animal feeding or confinement operations, as well as individual horse owners, to follow a program of "voluntary compliance" to achieve these "clean water" standards without more formal regulatory action.

Voluntary compliance means ***voluntarily undertaking the necessary and appropriate management practices to minimize the release of pollutants into local waters.*** Horse owners and facility managers should evaluate the effectiveness of their existing erosion control, stormwater management, and waste management practices to minimize transport of pollutants. Voluntary compliance allows the horse community the opportunity to demonstrate responsible stewardship of natural resources while avoiding stricter enforcement of regulations. Voluntary compliance does not mean that water quality concerns can be ignored.

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Turn out horses for a limited period of grazing each day to increase the duration of the pasture's use and to reduce soil compaction.



Proper manure management is essential. Manure cleanup, storage, and use are critical components of good stewardship.

Conservation Practices for Horse Owners

A conservation practice *is any activity that improves, protects or restores a natural resource*. To implement conservation practices that protect water quality:

- Identify the source of pollution
- Determine how pollutants reach the water
- Select a conservation practice, or a combination of practices, to cost effectively reduce the adverse impact to water quality
- Monitor and evaluate its effectiveness in achieving the desired result
- Make any necessary changes based on the evaluation

Horse owners should consider the following points to protect water quality:

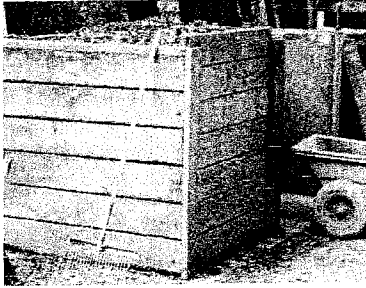
1 Horse Waste Management

Clean up manure and soiled bedding on a regular basis, especially during wet weather, to limit seepage of salts and nutrients into ground water or runoff of manure into waterbodies.

After clean up, during the arid summer, use a bucket, hose or sprinkler to water areas where horses frequently deposit manure. Watering maintains the moist environment bacteria need to decompose residual waste.

Store horse waste on an impervious surface (a concrete pad or plastic tarp) and under cover (a roof or tarp) during rains to prevent leaching or runoff of pollutants. Locate storage areas away from waterways so that floods or runoff will not wash away waste. Do not dump horse waste on the edge or directly into stream channels.

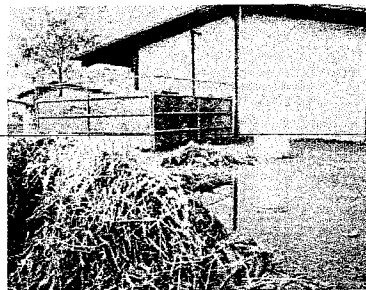
Disposal fees are expensive. Manure composts into an excellent soil



Composting manure may be an excellent way to handle large quantities of manure and create a useful product.



Control winter access to soggy pastures to help prevent pollutants from leaching into the ground water and to keep horses out of the mud.



Convey runoff from barn roofs through gutters, downspouts and splash pads. Divert this clean water to areas so it will not come in contact with horse waste or cause soil erosion.

amendment. Perhaps neighbors or local gardeners will want your organic material. Keep compost piles moist and well aerated to aid in conversion of urea and ammonia compounds to more useable, and less toxic nitrates. Be innovative and establish a disposal solution rather than create a disposal problem.

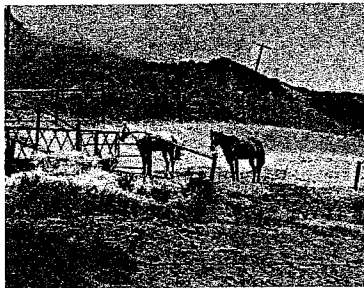
2 Facility Siting

Keeping horses close to streams, in flood-prone areas, or on steep hillsides increases the potential for the runoff of manure and sediment. One does not always have an ideal site, given the constraints of topography, soil, rainfall patterns or existing structures; but conscientious management can often offset site shortcomings. New facilities should be sited and designed to address water quality concerns. Work to upgrade existing facilities.

3 Stormwater Runoff Management

- Keep "clean water clean." Use grassed ditches, berms, or subsurface drains to divert "clean" runoff around barns, manure storage areas, and paddocks.
- Install and maintain a system of properly sized roof gutters, downspouts, and drains to prevent "clean" roof water from becoming "polluted" by mixing with barnyard manure and sediment.
- Divert "polluted" runoff from manured areas away from waterways and to low-gradient vegetated buffer areas.
- Separate barnyards, paddocks, and manure storage areas from any waterway with buffer strips of vegetation to filter sediments and absorb nutrients in runoff.
- Construct or repair trails, arenas, roads, parking areas, their associated ditches, and culverts to drain water in a non-erosive manner.
- With a little training, horse owners can use simple water quality test kits to monitor their operations.

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Vegetation protects water quality by slowing the rate of stormwater runoff, which increases absorption into soil, increases bacterial conversion of toxic or consumptive constituents, and lessens the risk that soil and manure solids will be carried into streams.

- Additional benefits of runoff management include a drier barnyard, a healthier horse environment, and better working conditions.

4 Pasture and Paddock Care

Vegetation protects water quality by slowing the rate of stormwater runoff, which increases absorption into soil, increases bacterial conversion of toxic or consumptive constituents, and lessens the risk that soil and manure solids will be carried into streams.

Grazing Management

Maintain pasture productivity by controlling the number of horses and the amount of time they spend on a pasture. In most cases, pastures provide an exercise area and not the primary food source. For this reason, pasture management should focus on protecting the pasture's soil and vegetative cover. Prevent bare areas from forming. Allow grass time for regrowth. Cross fence to divide pastures into smaller areas, which can be grazed in rotation. Inexpensive and moveable, electric fencing works well to define grazing areas. During the growing season, graze grass to a height of 3-4 inches and allow regrowth to 6-8 inches before returning horses to the pasture. Manage grazing so that a cover of dry residual vegetation protects soil from the first rains.

Soil Compaction

A porous soil improves plant vigor by allowing the infiltration of water, air, and nutrients. Hoof impact and machinery operation on water saturated land compact soil particles and cause loss of porosity.

Paddocks as a Sacrifice Area

Use turnout paddocks as "sacrifice areas" to preserve pastures. This strategy reduces churning and compaction of wet soils, and overgrazing when pastures require rest. If possible, locate paddocks back from waterways; and avoid swales where overland flows can wash away bare soil or manure. Maintain a vegetated border around paddocks to help filter pollutants. Be sure paddocks provide horses with adequate exercise room.

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Restrict horses from creeks to help keep manure and urine from being deposited in creeks and minimize erosion on streambanks. Use fencing to help manage horse access to riparian areas.

5 Protection of Waterbodies

Riparian Buffer Strips

Protect or restore a vegetated riparian (streamside) corridor with grass, trees, shrubs and/or groundcover to filter sediments and horse waste, stabilize streambanks, reduce solar heating of the water, and enhance aquatic habitat.

Limit Horses Access to Waterways

Provide other sources of water and shade. The direct deposit of manure into water can harm aquatic life. Trampling physically breaks down streambanks and destroys vegetative cover, which can increase sedimentation. The loss of streamside vegetation may also result in excessive solar heating of the water, which can harm cold water fish, such as steelhead and salmon. Design stream crossings to minimize erosion. Exclusionary fencing and seasonal grazing of riparian corridors are possible management choices.

Protect Small Tributaries

Ditches and drainage swales carry a large amount of rain runoff. These tributaries also require vegetation to filter sediment and reduce the erosive energy of water. Fencing may be necessary to exclude horses from these smaller waterways.

Wetlands naturally filter pollutants from water and provide excellent wildlife habitat. Protect wetlands from grazing and trampling during the rainy season.

Chemicals in horse grooming and health products, detergents, disinfectants, herbicides, and pesticides can harm aquatic life. Follow instructions for correct application. Minimize use whenever possible. Be careful to avoid direct application or airborne transport of sprays to waterbodies. Do not let horse wash water drain directly into waterways.

7-19



Horses benefit from good land management and stewardship by having a healthy and clean environment.

For more information contact:

Local Resource Conservation Districts (RCD):

Alameda County RCD (925) 371-0154

Contra Costa RCD (925) 672-6522

Guadalupe-Coyote RCD (408) 288-5888

Loma Prieta RCD (408) 847-4171

Marin County RCD (415) 663-1170

Napa County RCD (707) 252-4189

San Mateo County RCD (650) 726-4660

Southern Sonoma County RCD (707) 794-1242 x5

**Local USDA Natural Resources
Conservation Service Office (707) 794-1242 x121**

Local U.C. Cooperative Extension office

CA Dept. of Fish and Game (707) 944-5500

S.F. Regional Water Quality Control Board (510) 622-2300

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COUNCIL OF BAY AREA RESOURCE CONSERVATION DISTRICTS

in partnership with the USDA Natural Resources Conservation Service

1301 REDWOOD WAY, SUITE 215

PETALUMA, CA 94954

(707) 794-1242 x121



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

21 7-20

PLANNING COMMISSION

Promoting the wise use of land
Helping build great communities

MEETING DATE August 11, 2005		CONTACT/PHONE Mike Wulkan, project manager 781-5608		APPLICANT Mark and Sally DiMaggio		FILE NO. N/A	
SUBJECT Appeal by Mark and Sally Dimaggio of a Planning Director determination [pursuant to Coastal Zone Land Use Ordinance Section 23.08.046c(1)] that the keeping of three horses and the construction of associated structures within a Sensitive Resource Area--Environmentally Sensitive Habitat for the Cambria pine forest requires approval of a Minor Use Permit. The site is located within the Residential Suburban land use category and is located on the east side of the intersection of Burton Drive and Village Lane in the community of Cambria. The site is in the North Coast Planning Area.							
RECOMMENDED ACTION Deny the appeal based on the findings listed in Exhibit A.							
ENVIRONMENTAL DETERMINATION Not required							
LAND USE CATEGORY Residential Suburban		COMBINING DESIGNATION Local Coastal Program, Sensitive Resource Area--ESHA (Terrestrial Habitat), Geologic Study Area, Archaeologically Sensitive Area		ASSESSOR PARCEL NUMBER 013,151,041		SUPERVISOR DISTRICT(S) 2	
PLANNING AREA STANDARDS: Residential Suburban #1: Limitation on Use: all allowable uses per Coastal Table O are permitted, except for mobilehome developments							
LAND USE ORDINANCE STANDARDS: Sections 23.08.046c(1): Animal Raising and Keeping: permit requirements Section 23.01.041c(3): Rules of Interpretation: map boundaries and symbols Section 23.08.178a: Water Wells and Impoundments: permit requirement							
EXISTING USES: Vacant							
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban, Commercial Service/vacant, hardware store and commercial service uses <i>East:</i> Residential Suburban/single family residence <i>South:</i> Residential Multi-Family/vacant <i>West:</i> Recreation/vacant/Cambria Pines Lodge							
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Cambria Community Services District and the Regional Water Quality Control Board							
TOPOGRAPHY: Relatively level to steeply sloping				VEGETATION: Pine forest and meadow			
PROPOSED SERVICES: Water supply: On-site agricultural well Sewage Disposal: None Fire Protection: Cambria Fire							
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242							

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BACKGROUND:

On November 17, 2004, Planning staff sent the applicant a letter (attached to the appeal application) answering the question of whether the County would allow grazing of less than four horses on this approximately 3.5-acre parcel, as well as construction of several, small associated structures, and a water tank and water well for irrigation purposes only. Staff responded that the proposed grazing would be allowable, and that a Zoning Clearance would be required for the proposed sheds. With regard to the proposed water well, staff advised that drilling a well could be problematic within the boundaries of the Cambria Community Services District, that the applicant should contact the Services District and the County Environmental Health Department, and that a Plot Plan or Minor Use Permit would be required for the well, depending upon its location with respect to the pine forest.

When the applicant subsequently applied for a Zoning Clearance for the proposed structures, staff informed him that the project first needed to be reviewed by the Department's Management Team, because it involved development within an Environmentally Sensitive Habitat (ESHA). The Management Team determined this proposal requires approval of a Minor Use Permit, and staff subsequently sent a letter dated April 14, 2005 (attached to the appeal application) to the applicant informing him of the determination and describing the reasons a Minor Use Permit is needed.

On April 29, 2005, the applicant submitted an appeal of the Planning Director's determination that a Minor Use Permit is needed for the proposed project.

PROJECT DESCRIPTION:

According to the letter from the applicant dated April 25, 2005, the proposed project consists of the following use and development on an approximately 3.5-acre parcel (the letter and a schematic site plan are attached to the appeal application):

- Keeping of three horses on a relatively flat pasture of approximately 0.75 acres
- Two sheds for tack and feed that are less than 120 square feet each
- A partially covered, approximately 1,150 square-foot paddock
- A 5,000 gallon water tank
- A driveway (estimated by staff to be 70 feet long)
- A 30-foot diameter, fenced riding roundpen
- A fenced, approximately 0.5-acre grazing area
- A future agricultural well

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

This site is included in the Residential Suburban land use category and within a mapped Sensitive Resource Area (SRA) combining designation that is an Environmentally Sensitive Habitat -Terrestrial Habitat (ESHA-TH) for the Cambria pine forest. Within an SRA, Coastal Zone Land Use Ordinance Section 23.08.046c(1) [see attached Exhibit B] requires that all new animal raising and keeping *activities or facilities* (e.g., keeping of horses and associated sheds and structures) require Minor Use Permit approval (except in the case of production of agricultural products).

2-3 7-22

Staff initially determined the boundary of the ESHA-TH could be interpreted so as to follow the tree line, using the rules of interpretation for map boundaries and symbols in Section 23.01.041c(3) [see attached Exhibit C]. Under that interpretation, the clearing on this site where the proposed animal keeping and structures are proposed would not be within an SRA, and a Minor Use Permit would therefore not be required under Section 23.08.046c(1). However, the Department's Management Team subsequently reconsidered that question, and determined the ESHA-TH designation on this property cannot be administratively adjusted or interpreted so as to exclude the clearing in the forest, thus necessitating a Minor Use Permit for the proposed use and development. The reasons for that determination are:

- The ESHA-TH designation (see attached land use category map and aerial photo) encompasses a large area to the south, east and west of the site, so that the clearing on this site does not represent a clear edge of the forest.
- Section 23.08.046c(1) is intended, for example, to allow for an interpretation of the location of a mapped boundary of a forest edge to correspond to the actual location of the edge of the trees on the ground. For example, if the line of trees that reflect the clear edge of the forest is actually 50 feet to the north of the mapped ESHA-TH location, then staff could interpret the ESHA-TH to be 50 feet to the north. However, this section is not intended to allow individual clearings in a larger forest to be administratively excluded from the ESHA-TH.
- The clearing or meadow area may still have value as part of the forest ecosystem
- The appropriate way to determine the boundary of the ESHA-TH in this case is through a Minor Use Permit application. During the Minor Use Permit process, the precise location of and recommended setbacks from the ESHA-TH would be determined based on the recommendations of a qualified biologist.

The proposal to drill an agricultural water well in the future is considered "appealable development" per Section 23.01.043c(3)(i), because it would be located within a mapped ESHA. The proposed well is therefore subject to Minor Use Permit approval as required by Section 23.08.178a. Drilling a water well within the boundaries of the Cambria Community Services District (CCSD) may be problematic, but may be possible in the case of non-potable use of water. If the applicant wishes to pursue drilling of the water well, staff recommends that it be included in a single Minor Use Permit application, together with the horse keeping, sheds and other proposed, associated development. Otherwise, if a well were proposed at some future date, another Minor Use Permit would be required at that time.

24 7-23

EXHIBIT A - FINDINGS

- A. The requested keeping of three horses and construction of sheds and associated improvements in a mapped Sensitive Resource Area--Environmentally Sensitive Habitat--Terrestrial Habitat designation (ESHA-TH) for the Cambria pine forest requires approval of a Minor Use Permit application, because 1) the ESHA-TH designation encompasses a large area to the south, east and west of the site, so that the clearing on this site does not represent a clear edge of the forest, 2) Coastal Zone Land Use Ordinance Section 23.08.046c(1) is not intended to allow individual clearings in a larger forest to be administratively excluded from the ESHA-TH, 3) the appropriate way to determine the boundary of the ESHA-TH is through the Minor Use Permit application process, during which the precise location of and recommended setbacks from the ESHA-TH would be determined based on the recommendations of a biology report.
 - B. The proposed future drilling of an agricultural water well in a mapped Sensitive Resource Area--Environmentally Sensitive Habitat--Terrestrial Habitat designation (ESSHA-TH) for the Cambria pine forest requires approval of a Minor Use Permit application, because 1), the well is considered "appealable development" per Coastal Zone Land Use Ordinance Section 23.01.043c(3)(i), and 2) Coastal Zone Land Use Ordinance Section 23.08.178a requires Minor Use Permit approval (unless a Development Plan is otherwise required) for water wells that are appealable to the Coastal Commission per Section 23.01.043.
 - C. This request for an interpretation of the Coastal Zone Land Use Ordinance is not a "project" under the California Environmental Quality Act, and therefore does not require an environmental determination.
-

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EXHIBIT B – COASTAL ZONE LAND USE SECTION 23.08.46 EXCERPT

23.08.046 - Animal Raising and Keeping (S-3): The raising or keeping of animals as either an incidental or principal use shall comply with the requirements of this section, except for pet stores (which are included under the Land Use Element definition of General Merchandise Stores and are instead subject to the provisions of Chapters 23.03 (Permit Requirements) and 23.04 (Site Design Standards) of this title). Certain specialized structures and facilities for animals (including animal hospitals, kennels, feed lots, fowl, poultry, hog or horse ranches) may also be subject to the requirements of Sections 23.08.041 (Agricultural Accessory Structures) or 23.08.052 (Specialized Animal Facilities), as applicable.

- a. **Purpose.** It is the purpose of these regulations to limit under specified circumstances the number of animals allowed and the methods by which domestic, farm and exotic animals are kept on private property. It is the intent of this section to minimize potential adverse effects on adjoining property, the neighborhood and persons in the vicinity from the improper management of such animals. Such adverse effects include but are not limited to the propagation of flies and other disease vectors, dust, noise, offensive odors, soil erosion and sedimentation.
- b. **Limitation on use.** Animal raising or keeping is not allowed in the Residential Multi-Family, Office and Professional and Commercial land use categories except for:
 - (1) The keeping of household pets in conjunction with an approved residential use; and
 - (2) Specialized Animal Facilities allowed pursuant to Section 23.08.052; and
 - (3) Interim Agricultural Uses pursuant to Section 23.08.050.
- c. **Permits and applications.**
 - (1) **Permit requirements.** None, except as otherwise set forth in subsection f. of this section for specific types of animals, or as required by other provisions of this code for structures used to enclose or house animals; however, a Minor Use Permit shall be required for development within Sensitive Resource Areas for all new animal raising and keeping activities or facilities, except where such activities or facilities are associated with the production of agricultural products (as defined by Section 23.11.030 of this title). All animal raising activities in the unincorporated areas of San Luis Obispo County are subject to the requirements of this section regardless of whether a permit is required.

2-6 7-25

EXHIBIT C – COASTAL ZONE LAND USE SECTION 23.01.041 EXCERPTS

23.01.041 - Rules of Interpretation:

Any questions about the interpretation or applicability of any provision of this title, are to be resolved as provided by this section.

a. Effect of provisions:

- (1) **Minimum requirements:** The regulations and standards set forth in this title are to be considered minimum requirements, which are binding upon all persons and bodies charged with administering or enforcing this title.
- (2) **Effect upon private agreements:** It is not intended that these regulations are to interfere with or annul any easements, covenants or other agreement between parties. When these regulations impose a greater restriction upon the use of land, or upon the height of structures, or require larger open spaces than are imposed or required by other ordinances, rules, regulations or by covenants, easements or agreements, these regulations shall control.

c. Map boundaries and symbols: If questions arise about the location of any land use category or combining designation boundary, or the location of a proposed public facility, road alignment or other symbol or line on the official maps, the following procedures are to be used to resolve such questions in the event that planning area standards (Part II of the Land Use Element), do not define precise boundary or symbol location:

- (1) Where a boundary is shown as approximately following a lot line, the lot line shall be considered to be the boundary.
- (2) Where a land use category applied to a parcel of land is not shown to include an adjacent street or alley, the category shall be considered to extend to the centerline of the right-of-way.
- (3) Where a boundary is indicated as approximately following a physical feature such as a stream, drainage channel, topographic contour line, power line, railroad right-of-way, street or alleyway, the boundary location shall be determined by the Planning Department, based upon the character and exact location of the particular feature used as a boundary.
- (4) In cases of large ownerships containing separate land use categories unrelated to lot lines or terrain features, the precise location of boundaries is to be determined through Development Plan review and approval (Section 23.02.034), before any development.
- (5) In other cases where boundaries are not related to property lines or contours, planning area standards of the Land Use Element define the precise boundary location or the necessary procedure for determining its location.
- (6) Symbols used to delineate a combining designation may not be property specific. In the case of Historic, and Energy and Extractive area symbols, the text of the applicable Land Use Element area plan will identify the extent of the area covered by the symbol application.

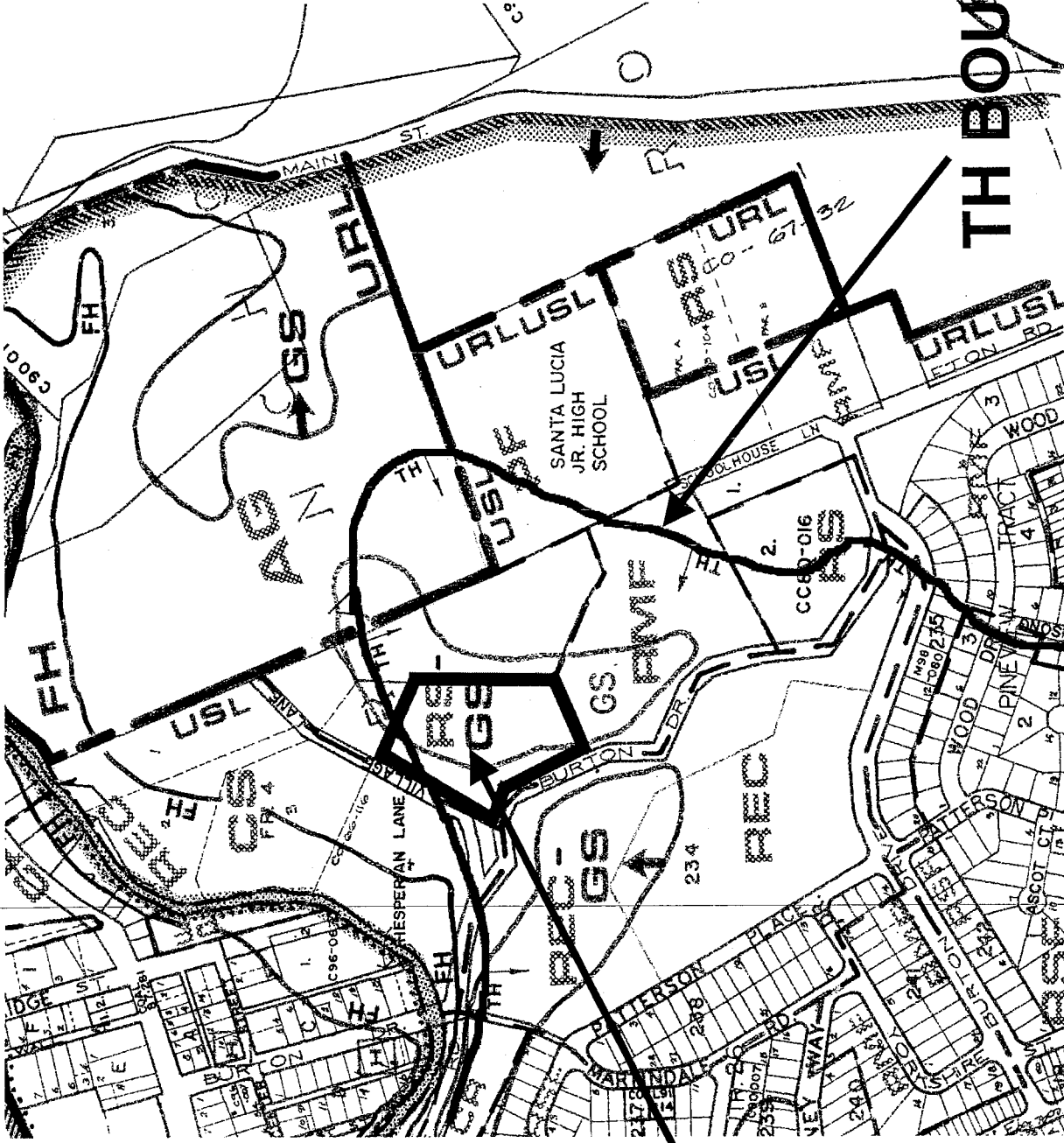
2-7 7-26

- (7) Symbols indicating proposed public facilities are not property specific. They show only the general area within which a specific facility should be established. The actual distance around a symbol where a facility may be located is defined by Chapter 8, Part I of the Land Use Element.
-

28

7-287

TH BOUNDARY



SITE

EXHIBIT

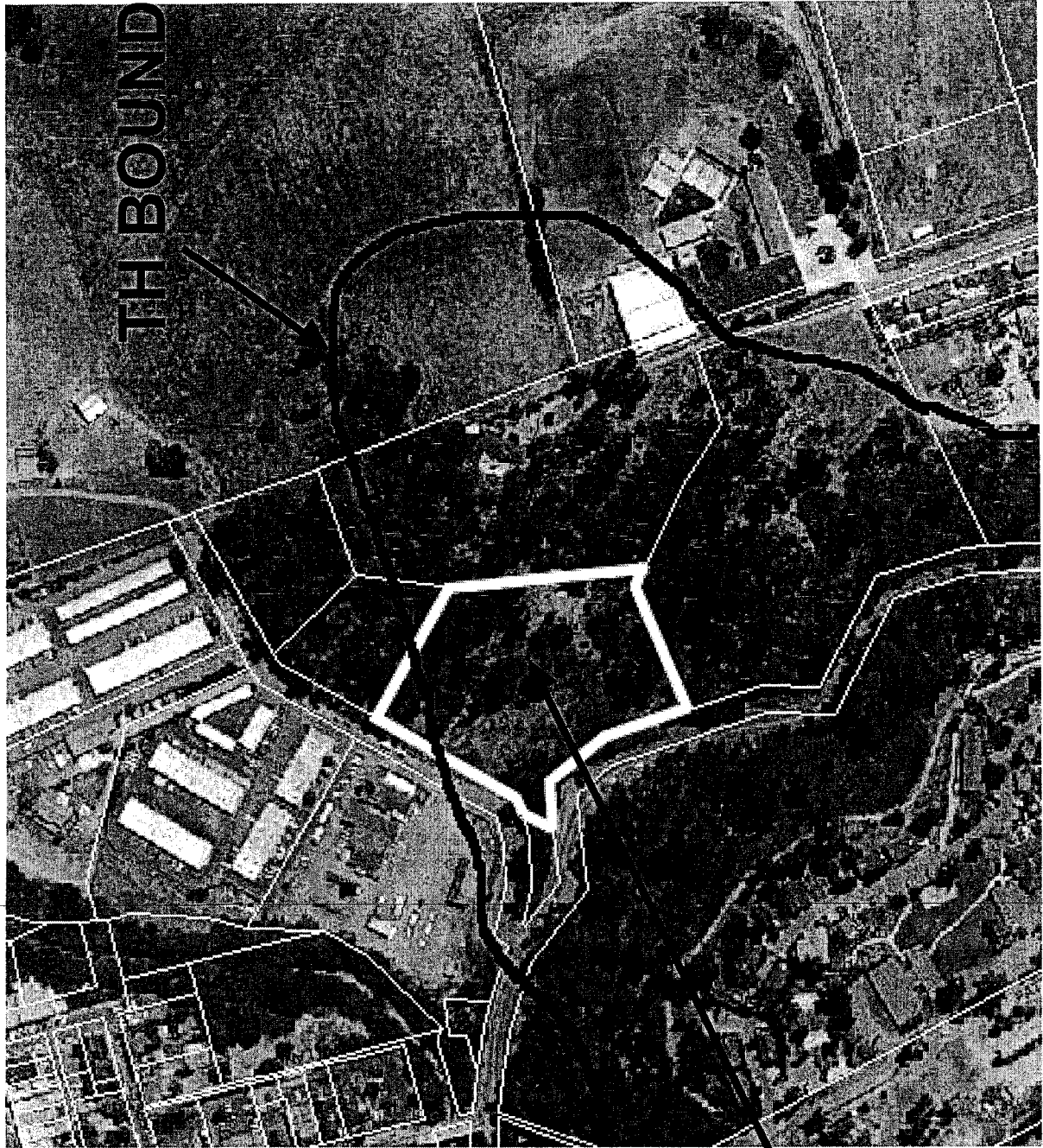
Land Use Category

PROJECT

Planning Determinations
DiMaggio Appeal



7-28
29



SITE

TH BOUNDARY

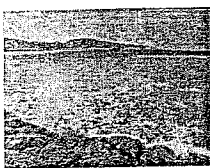
PROJECT

Planning Determinations
DiMaggio Appeal

EXHIBIT

Aerial





Coastal Zone Appeal Application

San Luis Obispo County Department of Planning and Building

NOTE:

To appeal a Board of Supervisors decision you will need to obtain appeal forms from the California Coastal Commission - 725 Front Street, Suite 300 - Santa Cruz, CA (408) 427-4863.

PROJECT INFORMATION

Type of permit being appealed:

☐ Plot Plan ☒ Minor Use Permit ☐ Development Plan ☐ Variance ☐ Land Division

☐ Lot Line Adjustment ☒ Other Planning Director's Decision File Number: _____

The decision was made by:

☒ Planning Director ☐ Building Official ☐ Administrative Hearing Officer ☐ Subdivision Review Board

☐ Planning Commission ☐ Other _____ Date the application was acted on 4-14-05

The decision is appealed to:

☐ Board of Construction Appeals ☐ Board of Handicapped Access ☒ Planning Commission ☐ Board of Supervisors

BASIS FOR APPEAL

Please note: An appeal must be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

☐ INCOMPATIBLE WITH THE LCP. The development does not conform to the standards set forth in the certified Local Coastal Program of the county for the following reasons (attach additional sheets if necessary)

Explain: _____

☐ INCOMPATIBLE WITH PUBLIC ACCESS POLICIES: The development does not conform to the public access policies of the California Coastal Act - Section 30210 et seq. Of the Public Resource Code (attach additional sheets if necessary)

Explain: _____

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (attach additional sheets if necessary)
Appeal of Director's Interpretation	CZLUO SECTION 23.01.042
	Documentation Attached (13 pages)

APPELLANT INFORMATION

Print name: Mark and Sally DiMaggio

Address: 3212 Bradford Circle, CAMBRIA, CA 93428 Phone Number (daytime): 927-5026

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing the project based on either one or both of the following grounds, as specified in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here are true.

Mark and Sally DiMaggio
Signature

4-25-05
Date

OFFICE USE ONLY

Date Received: 4/28/05
Amount Paid: \$578.00

By: CHRIS MACEK
Receipt No. (if applicable): _____

2005 APR 29 AM 1:48
Revised 5/05/04/LF
PLANNING/BUILDING
STAFF

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • (805) 781-5600 • (805) 781-5600

EMAIL: ipcoplbg@slonet.org

FAX: (805) 781-1242

WEBSITE: <http://www.slcooplanbldg.com>

2-11 7-30

April 25, 2005

Dear Planning Commissioners,

We are filing this appeal in response to a decision made by the County Planning Staff which directly supersedes an earlier SLO County letter indicating approval for the exact same proposed use.

We hope that the following background information and chronology of events will help explain the events and the sources of the frustration that led to our filing of this appeal.

We are a family of 5. We live on a teacher's salary and a half-time school librarian's salary. We have a daughter at Cal Poly, a son in 11th grade, and a daughter in 1st grade. We live in an ecologically friendly strawbale/solar house of our own design and construction.

Beginning around 2001, we began searching in earnest for a parcel near our home in Cambria on which we could keep our three horses (actually, two ponies and one horse - see the attached description). We have been keeping the horses in the Paso Robles area for the last five years, and the drive and expense - not to mention the travel time involved - made us decide to attempt to buy our own property near to our home. In 1999, we came very close to purchasing a parcel directly across the street from the new Grammar School in Cambria, but were unsuccessful. Since then, we have been actively looking for a new home for our horses.

Finally, in September of 2004, a 3.85 acre parcel (APN 013,151,041 zoned Residential Suburban) directly across the street from Cambria Hardware (on Village Lane) became available. The parcel is mostly steep and with slopes wooded with Monterey pine and coast live oak, but has a nice flat grass pasture area of about 3/4 of an acre; not huge, but adequate for our needs of keeping just three horses.

We made an offer, it was accepted, and we began the process of "conducting investigations." We had negotiated a 60 day period (from roughly November 1 to January 1) within the escrow time to determine if the property would truly meet our needs, and to insure that we would be allowed by the County to proceed with our very simple, environmentally friendly, project.

Essentially, our plans as shown on the enclosed site plan were to:

- Fence off a small 30 foot diameter riding ring.
- Fence off another roughly 1/2 acre grazing area.
- Build two small (<120 sq. feet) sheds for tack and feed.
- Build a 24 X 48 foot paddock with a rain cover over about 1/3 of it.
- Add a 5,000 gallon water tank for storage, serviced by a solar panel with pump. (If possible, we would like to add an ag well at a later date.)
- Build a very short driveway to bring hay to the near shed.

2-12 7-31

With this plan in mind, we met with CCSD staff and with the County Health Department in regards to the ag well (please see enclosed letters), and then arranged a meeting with Senior County Planner John Hofschroer. Mr. Hofschroer was courteous, honest, forthright, and professional in answering our questions regarding the property and what the County would and would not allow. In essence, he indicated that, with the possible exception of the agricultural well, which was not a determination his office could make, he saw no problem with the plan we described, and that to utilize the property in this manner was consistent with both the zoning and local area plan. He was pleased to see that we had no desire or intention to infringe on the sensitive Monterey pine habitat, and that a low impact use of the property such as this was welcome.

Mr. Hofschroer provided us with a letter from the County, signed by him, which summarized the conclusions that he had stated at our meeting. This letter is included for your review. Please also refer to the enclosed statement of the closing of escrow, provided to demonstrate that at the time we met with Mr. Hofschroer, we had not closed escrow on the parcel, but were waiting for County determination as to what would be allowed on the property.

Based on this determination, we proceeded with the purchase of the property.

We were then told by Mr. Hofschroer that to proceed, we needed to obtain a Zoning Clearance - a simple matter that could be completed over the counter for a small fee. We were very excited and anxious to begin the process of moving our horses to our new property.

In mid-March we met with Ryan Hofstetter expecting to obtain our Zoning Clearance. As you can well imagine, we were shocked when we were told that the matter would have to go before a management committee of the Planning Department to determine if we could proceed without a minor use permit, and that the earlier County determination might not be honored.

We did our best to be courteous and patient, but were frankly very disturbed when we were told by Mike Wulken on March 30 that we would be required to obtain a \$4,000 minor use permit, a \$3,000 biological report, and possible additional studies as well. This new determination, we were told, superseded the previous County determination on which we had entirely based our decision to purchase the property.

Had we been told that we would have to obtain these permits at the outset, we would not have proceeded with the purchase. We feel that the latest determination made by the Planning Director's office is wrong, and that the County should honor the original determination made back in November, 2004. For County staff to tell us that we can proceed, and then to have other staff change the determination is unfair and unjust.

We simply cannot understand the basis for this completely changed determination. Mr. Hofschroer clearly stated in our meeting, and as he confirms in his letter, that the Sensitive Resource Area - Terrestrial Habitat follows the tree line and does not include

2-13 7-32

the entire site but only includes the steeper wooded slopes in the rear of the property. As shown on our enclosed site plan, we are not proposing any development for those portions of the property. However, contrary to this determination, the County now states that our entire parcel is contained within the SRA -TH despite its explicit acknowledgement that only a small portion of the property is wooded and therefore qualifies as terrestrial habitat.

Based on the County's prior representations, our independent research, and my experience as a member of the North Coast Advisory Council, we do not believe that this most recent determination is the proper interpretation of the extent of the SRA -TH on our property. We believe that the original interpretation of the extent of the SRA - TH by Mr. Hofschroer is correct and ask that the Planning Commission confirm his interpretation as the correct application of this policy to our property.

We therefore respectfully request that the Planning Commission grant this appeal, honor the original letter signed by Mr. Hofschroer, and that we be allowed to obtain the Zoning Clearance described therein.

Thank you very much for your time and consideration of this matter that is so important to us.

Sincerely,



Mark DiMaggio



Sally DiMaggio

3212 Bradford Circle
Cambria, CA
93428
927-5026



244 7-33
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

November 17, 2004

Mark & Sally DiMaggio
3212 Bradford Circle
Cambria, Calif. 93428

Re: Information Request: Allowable uses for APN 013,151,041, Village Lane, Cambria

Dear Mr. DiMaggio,

In our conversation, you have asked if the County will allow the grazing of less than 4 horses, several small structures for hay and tack, fencing, and a water well and tank for irrigation purposes only on the above parcel.

The subject 3.6 acre site is designated Residential Suburban, and is located within the Urban Reserve Line of Cambria. While nearly the entire site is mapped as TH on the official maps, we have determined that the TH follows the tree line. Therefore, the steeper slopes in the rear of the property are designated Terrestrial Habitat (pine trees), and Geologic Study Area.

In response, we offer the following comments:

1. Horse grazing at this scale is defined as "Animal Raising and Keeping" which is allowed as a special use (S-3) in the Residential Suburban category. The (S-3) establishes conditions of use. We feel the horses are an allowed use, and if fenced from encroaching on the steep slopes, no permit is required.

2. The three proposed small sheds are defined as "Agricultural Accessory Structures", that may be approved with a County permit referred to as a Zoning Clearance. Setbacks are 50 feet from Village Lane, and 30 feet for the side yards.

3. Fencing less than 6 feet high is allowed without a permit. However, if the fencing is used to keep the horses on the property, they shall be set back at least 25 feet from Village Lane, and 10 feet from the side property lines.

4. The drilling of a water well may be problematic since the property is within the Cambria Community Service District (CCSD). As we discussed, there may be exceptions for non-potable uses such as irrigation and for the horses. Please contact the CCSD and the County

215 7-34

Environmental Health Department for more information. The County will require a Plot Plan application to permit the well as long as it is located at least 100 feet from the TH (pines on the hillside) or Minor Use Permit if it is closer. We will also require approval by the other departments and agency mentioned.

We have previously provided some of the relevant land regulations for your information. If there are additional questions, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hofschroer", with a stylized, flowing script.

John Hofschroer, Senior Planner
Coastal Zone Management Division



2-16 7-35

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

April 14, 2005

Mark and Sally DiMaggio
3212 Bradford Circle
Cambria, CA 93428

Dear Mr. And Mrs DiMaggio:

SUBJECT: PLANNING DIRECTOR DETERMINATION: ASSESSOR PARCEL
013,151,041; VILLAGE LANE, CAMBRIA

This determination is in reply to your request to keep three horses, and to construct three small sheds, fencing, and a future well on the above property. This determination supersedes our November 17, 2004 letter on this matter.

This approximately 3.5-acre property is located within the Cambria urban area. It is included in the Residential Suburban land use category (zone) and within a mapped Sensitive Resource Area (SRA) combining designation that is an Environmentally Sensitive Habitat -Terrestrial Habitat for the Cambria pine forest. Within an SRA, Coastal Zone Land Use Ordinance Section 23.08.046c(1) requires that all new animal raising and keeping activities or facilities (e.g., keeping of horses and associated sheds) require Minor Use Permit approval (except in the case of production of agricultural products).

The Planning and Building Department, after review by the Department's Management Team, has determined that the SRA designation on this property cannot be administratively adjusted or interpreted so as to exclude the clearing in the forest where you wish to have the animal keeping and sheds. Therefore, as required by the Coastal Zone Land Use ordinance, the proposal for keeping of horses and construction of sheds on this property is subject to Minor Use Permit approval. During the Minor Use Permit process, the precise location of and recommended setbacks from the Environmentally Sensitive Habitat could be determined, based on a biological report.

The proposed well, since it is located within a mapped Environmentally Sensitive Habitat, is considered "appealable development," and is therefore also subject to Minor Use Permit approval. As we mentioned in our previous correspondence, drilling a water well within the boundaries of the Cambria Community Services District (CCSD) may be problematic, but there may be exceptions for non-potable uses of water. We recommend that you contact the CCSD and the County Health Department-Environmental Health Division for more

2-177-36

Mark and Sally DiMaggio

April 14, 2005

Page 2

information. If you wish to pursue drilling of the water well, we recommend that you include that proposal together with the proposed horse keeping, sheds and associated structures in a single Minor Use Permit. Otherwise, if you decide to seek approval for the well at a future date, another Minor use Permit would be required at that time.

This determination may be appealed to the Planning Commission within 14 days of the date of this letter. The appeal must be received by the Planning and Building Department before the close of business on April 28, 2005, and must be accompanied by the required appeal fee, estimated to be \$564.00. An appeal form is enclosed for your convenience.

Sincerely,



MIKE WULKAN

Coastal Planning and Permitting



Fidelity National Title Company

7-39
2-18
782 Arlington Street • Cambria, CA 93428
(805) 927-6585 • FAX (805) 927-6590

DATE: January 26, 2005
ESCROW NO: 170591-RL
ESCROW OFFICER: Renee Leyba

TIME: 08:42:30

CLOSING DATE: January 26, 2005

BUYER FINAL CLOSING STATEMENT

SELLER(S): Richard R. Aitken and Phyllis C. Aitken and Richard E. Kauffman, Trustee of the Richard E. Kauffman Revocable Trust dated August 3, 1993 and Richard E. Kauffman and Kent W. Hellman and Beverly L. Hellman, Trustees of the Kent Hellman Family Revocable Trust dated December 1, 1995 and Carole A. Clarke, Successor Trustee of the Clarke Living Trust dated September 22, 2000
BUYER(S): Mark P. DiMaggio and Sally L.S. DiMaggio, Trustees of the Mark P. DiMaggio and Sally L.S. DiMaggio Living Trust
PROPERTY: Village Lane, Cambria, CA 93428

	\$ DEBITS	\$ CREDITS
FINANCIAL:		
Total Consideration	110,000.00	
Deposit - Mark P. Dimaggio		3,000.00
Deposit - Mark P. DiMaggio and Sally L.S. DiMaggio, T		107,195.26
PRORATIONS/ADJUSTMENTS:		
Unpaid County Taxes at \$1,881.63 Semi-Annual from 01/01/05 to 01/26/05		209.07
TITLE CHARGES:		
Recording Deed	25.00	
ESCROW CHARGES		
Escrow Fee	250.00	
Courier Fees	7.50	
BUYERS REFUND	\$ 121.83	
TOTALS	\$ 110,404.33	\$ 110,404.33

SAVE THIS STATEMENT FOR INCOME TAX PURPOSES



California Regional Water Quality Control Board

Central Coast Region



Terry Tamminen
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

October 28, 2004

2-19 7-38

Mrs. Sally Dimaggio
3212 Bradford Circle
Cambria, CA 93428

Dear Mrs. Dimaggio:

UST: 2194 MAIN STREET, CAMBRIA, SAN LUIS OBISPO; PROPOSED INSTALLATION OF AGRICULTURAL WELL ALONG VILLAGE LANE, CAMBRIA

This letter confirms your October 26, 2004, telephone conversation with John Mijares of my staff. You wanted to know if your proposed agricultural well along Village Lane (APN 013-151041) in Cambria could possibly impact or be impacted by the methyl tertiary-butyl ether (MTBE) plume emanating from the Chevron Station at 2194 Main Street, Cambria. The proposed well would have a production rate of about five gallons per minute to provide water to horses that would be stabled at the property. Based on the location and production rate of the well, we do not anticipate that it would impact the MTBE plume at the Chevron station. Therefore, we have no objection to the proposed installation of the agricultural well provided the installation complies with local and state standards and requirements.

If you have questions, please call John Mijares at 805-549-3696.

Sincerely,

For: Roger W. Briggs
Executive Officer

ajm/ust/regulating sites/san luis obispo co/cambria/2194 main/dimaggio proposed ag well response ltr 270ct04

cc:

Mr. Vern Hamilton
Cambria Community Services District
PO. Box 65
Cambria, CA 93428

Mr. Curtis Batson
San Luis Obispo Co. Health Dept.
P. O. Box 1489
San Luis Obispo, CA 93406

California Environmental Protection Agency

7-39
CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:

JOAN COBIN, President
GREGORY SANDERS, Vice President
PETER CHALDECOTT
ILAN FUNKE-BILU
DONALD VILLENEUVE



OFFICERS:

TAMMY RUDOCK General Manager
ARTHER R. MONTANDON, District Counsel
KATHY CHOATE, District Clerk

1316 Tamson Drive, Suite 201 • P.O. Box 65 • Cambria CA 93428
Telephone (805) 927-6223 • Facsimile (805) 927-5584

November 19, 2004

Mark and Sally DiMaggio
3212 Bradford Circle
Cambria, CA 93428

Dear Mark and Sally,

**RE: APN 013-151-041, CAMBRIA, SAN LUIS OBISPO COUNTY; PROPOSED
INSTALLATION OF AGRICULTURAL WELL ALONG VILLAGE LANE, CAMBRIA**

This letter confirms your October 18, 2004 meeting with Cambria Community Services District (CCSD) General Manager Tammy Rudock, and District staff regarding your request to drill an agricultural well along Village Lane property; APN: 013-151-041.

The property is located within the Cambria Community Services District boundaries and watershed and currently has no water service. A grandfathered meter is assigned to the property. The CCSD has no jurisdiction or authority to consider or approve drilling an agricultural well within our boundaries. That duty and responsibility is with the San Luis Obispo County Public Health, Environmental Health Services.

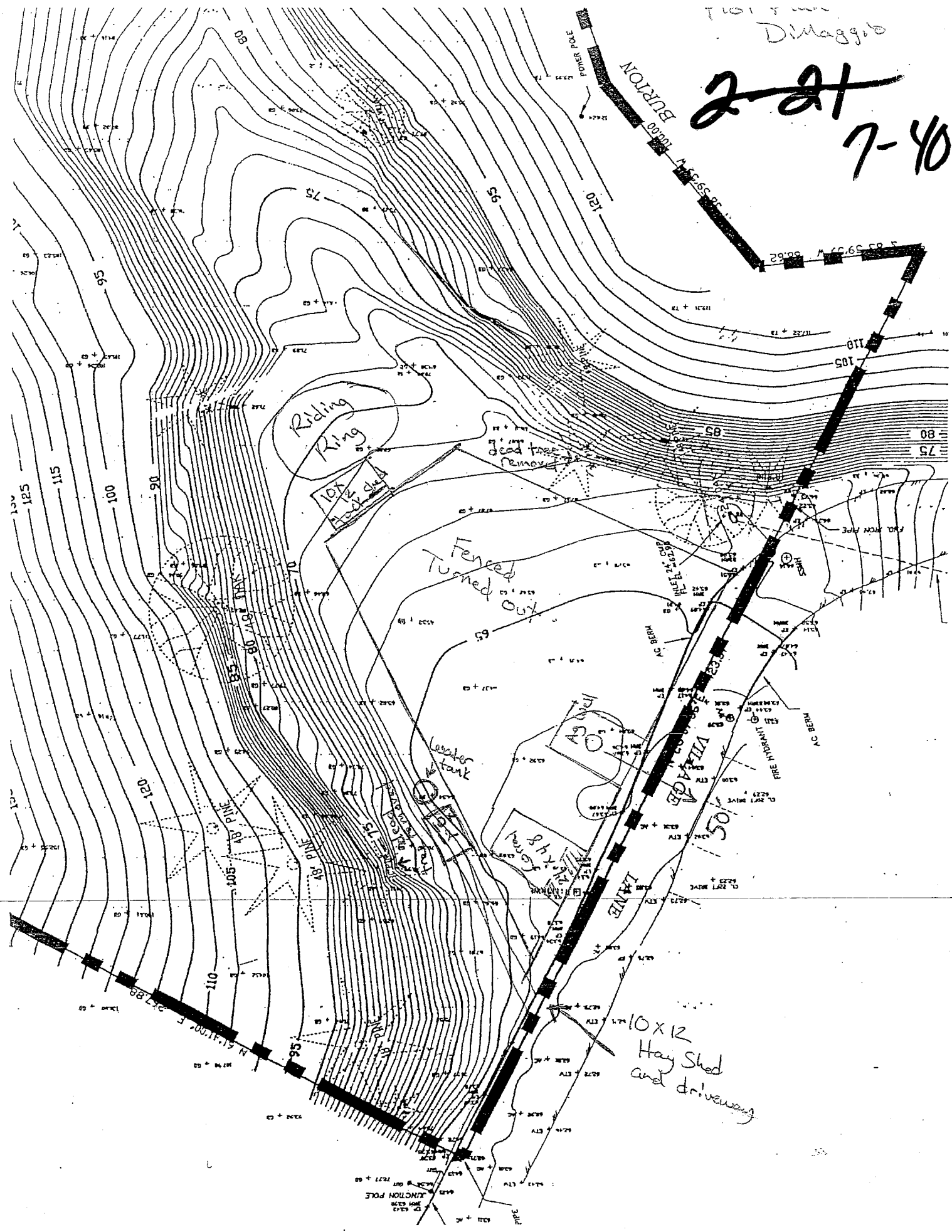
CCSD staff recommended that you contact the Regional Water Quality Control Board for a response to your questions regarding any impact to Cambria by the methyl tertiary-butyl ether (MTBE) plume emanating from the Chevron Station at 2194 Main Street, Cambria.

It was further recommended that you contact the San Luis Obispo County Public Health, Environmental Health Services for their assistance in informing you of the application process for agricultural well installations to meet local and state standards and requirements.

Sincerely,

Tammy A. Rudock
General Manager

~~2-21~~
7-40

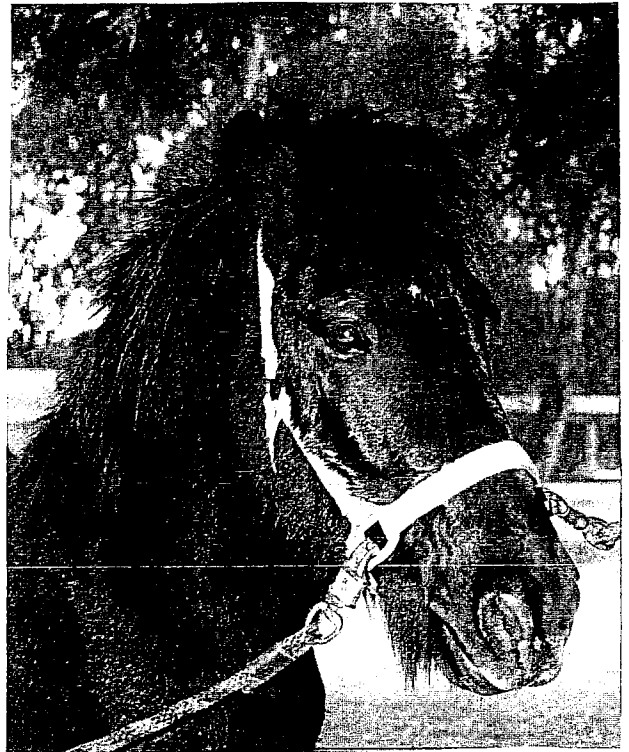


7-41

Prospective Tenants ~~2-22~~

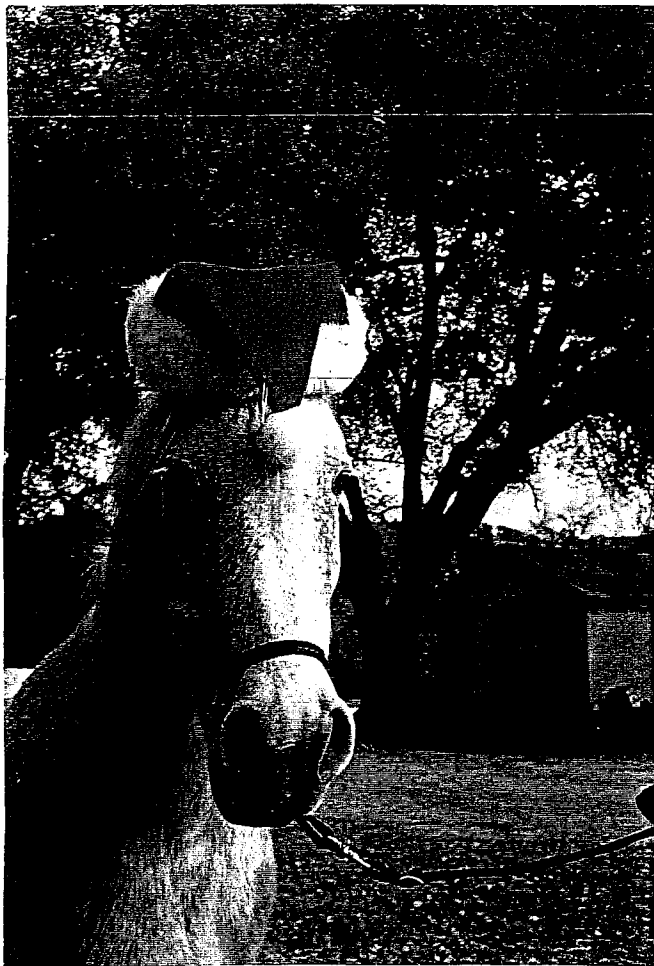


← "Dukka" translates to "Little Doll" A 7 year old Icelandic Mare. Very Sweet natured pony. Loves children and small animals.



↑ "Jet"

Dukka's baby. Tends to be a little too big for his britches.



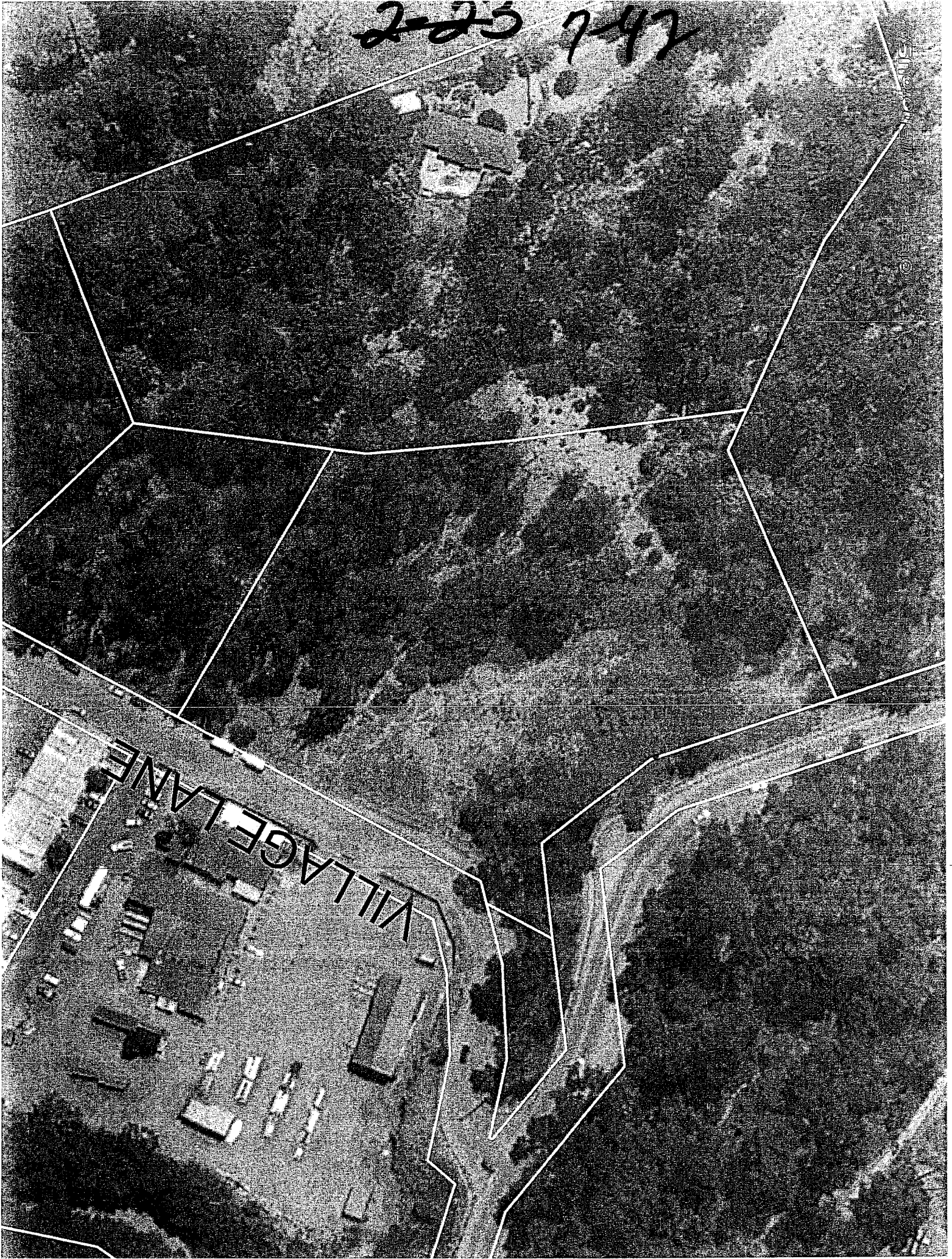
← "Monte"

A 20 year old Arab gelding. A very good horse in every way.

2-23 7-42

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VILLAGE LANE





San Luis Obispo County Department of Planning and Building
County Government Center San Luis Obispo, California 93408 Telephone: (805) 781-5600

Receipt #: 22200400000000000000865

Date: 04/28/2005

Line Items:		Tran Code	Description	Revenue Account No	Amount Paid
Case No	Last Name	APPEAL	Appeal to Board of Supervisors Fee -	0000-0000- -	578.00
Line Item Total:					\$578.00

Payments:		Bank No	Account No	Confirm No	How Received	Amount Paid
Method	Payer					
Check	SALLY L. S. DIMAGGIO		1002		In Person	578.00
Payment Total:						\$578.00
Balance						

Please don't schedule the Appeal Date during these times:

June 14 - July 1

July 9 - 15

July 18 - Aug 3

2-24 7-43